

## **REMARKS**

This application has been reviewed in light of the Office Action mailed May 23, 2005. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1-28 are pending in the application with Claims 1, 16 and 28 being in independent form. By the present amendment, Claims 1, 8, 16, 20 and 28 have been amended. No new subject matter has been introduced by way of the present amendments.

Initially, the Examiner has noted that Claims 8-10, 14, 15, 20 and 24-27 contain allowable matter. However, these claims are objected to for being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **I. Objection to Claims 8 and 20**

Claims 8 and 20 are objected to for reciting improper grammar. Specifically, “is come” in Claim 8 lines 4 and 7 and in Claim 20 lines 4 and 6 should be “comes”. In response, Claims 8 and 20 have been amended to correct the grammatical errors. Accordingly, Applicants respectfully request withdrawal of the objection to Claims 8 and 20.

### **II. Rejection of Claims 1, 2, 4-6, 12, 16, 17, 22 and 28 Under 35 U.S.C. §102(b)**

Claims 1, 2, 4-6, 12, 16, 17, 22 and 28 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,876,327 issued to Tsuyuki et al. (hereinafter “Tsuyuki et al.”).

Tsuyuki et al. teaches hermetically sealing an imaging device (CCD) and supporting optics within a camera head body, however this differs from the present invention, in that the present invention hermetically seals the imaging device and optics within a hermetic case which is then housed within the camera head body. The hermetic case has a hermetic connector with a

plurality of connecting pins embedded there through. Since Tsuyuki et al. does not disclose a hermetic case housed within a camera head body, a hermetic connector, as recited by the present disclosure, would not be needed and thus is not taught or suggested by this reference. In addition, Tsuyuki fails to disclose arranging the power generator within the hermetic case, as recited in Applicants' Claims 1, 16 and 28. Specifically, amended Claims 1 and 16 recite in part: "...a power generator for generating a driving force... the power generator being arranged in the case and generating a driving force based on an electric energy supplied thereto via the hermetic connector..." Claim 28 recites similar limitations.

Therefore, Tsuyuki fails to properly anticipate all the limitations recited in applicants' independent Claims 1, 16 and 28. Additionally, Claims 2, 4-6, 12, 17 and 22 depend from independent Claims 1 and 16 and thus include the limitations of these independent claims. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 1, 2, 4-6, 12, 16, 17, 22 and 28 under 35 U.S.C. §102(b).

### **III. Rejection of Claims 1, 2, 4-6, 11, 16, 17, 21 and 28 Under 35 U.S.C. §102(b)**

Claims 1, 2, 4-6, 11, 16, 17, 21 and 28 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,292,221 issued to Lichtman (hereinafter "Lichtman").

Regarding Lichtman, a motorized focusing system and viewing device is disclosed. However, a power generator arranged in a hermetic case is not taught or suggested by Lichtman. Referring to FIG. 4 of Lichtman, the power generator 66 is clearly shown positioned outside the bore 302. While individual components, such as adaptor 309 and window 385 are disclosed as forming hermetic seals, there is no mention of bores 302, 360 or 342 being hermetically sealed. Additionally the imaging device 382 is only hermetically protected on the proximal side by a window 385. Thus, while contamination may not reach the imaging device 382 from the

proximal end, there is no indication that the entirety of the imaging device housing 380 hermetically seals the imaging device 382.

Contrastingly, Applicants' Claims 1, 16 and 28 specifically recite limitations of a hermetically sealed case and of both the power generator and imaging device being arranged within the hermetically sealed case. Therefore, Lichtman fails to properly anticipate the invention as recited in Applicants' Claims 1, 16 and 28. In addition, Claims 2, 4-6, 11, 16, 17 and 21 depend from independent Claims 1 and 16 and thus include the limitations of these independent claims. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 1, 2, 4-6, 11, 16, 17, 21 and 28 under 35 U.S.C. §102(b).

#### **IV. Rejection of Claims 1-5, 7, 13, 16, 18, 19 and 23 Under 35 U.S.C. §103(a)**

Claims 1-5, 7, 13, 16, 18, 19 and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over U.S. Patent No. 6,529,232 issued to Kraas et al. (hereinafter "Kraas et al.") in view of U.S. Patent No. 6,855,106 issued to May et al. (hereinafter "May et al."). Kraas and May disclose a medical endoscope having a video camera and May further suggests having a motorized focus assembly. However, neither Kraas nor May, taken alone or in any proper combination, disclose or suggest having a power generator arranged within a hermetic case as recited in Applicants' Claims 1 and 16. Regarding the remaining claims, Claims 2-5, 7, 13, 18, 19 and 23 depend from independent Claims 1 and 16 and thus include the limitations of these independent claims.

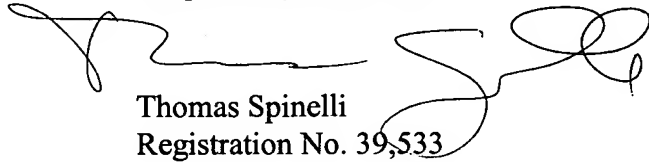
Therefore, for at least the reasons given above, Claims 1-5, 7, 13, 16, 18, 19 and 23 are believed patentably distinct and allowable over the cited references. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 1-5, 7, 13, 16, 18, 19 and 23 under 35 U.S.C. §103(a) over Kraas in view of May.

### CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-28 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicants' undersigned attorney at the number indicated below.

Respectfully submitted,



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